

RESPONSE

In the Examiner's first Office Action, mailed August 23, 2002, claims 1-20 were rejected. Claims 1 and 2 were rejected pursuant to 35 U.S.C. 102(b) as anticipated by Harp, Jr. (US 5,585,612). Claims 3-10 were rejected under 35 U.S.C. 103(a) as unpatentable over Harp, Jr. in view of McClure et al. (US 6,250,548). Claims 11-20 were rejected under 35 U.S.C. 103(a) as unpatentable over Harp, Jr. in view of McClure et al. and Sarner et al. (US 5,666,765) and Trotta et al. (US 5,072,999). Applicant respectfully submits that Harp, Jr., alone and in combination with the other cited references, does not disclose or render obvious Applicant's invention as claimed in claims 1-20.

In rejecting claim 1, the Examiner reasoned that Harp, Jr., discloses a voting device in the configuration of a kiosk with a plurality of input and output devices to provide information to a handicapped voter and to collect the voting decision input from the voter. Applicant respectfully notes that claim 1 specifically requires both "a first input device wherein the user inputs information via the first input device using a first physical action" and "a second input device, wherein the user inputs information via the second input device using a second physical action different from the first physical action." Harp, Jr. does not disclose the use of a second input device, wherein the user inputs information via the second input device using a second physical action different from the physical action required to input information via the first input device. Harp, Jr. teaches the use of only a single type of input device in a voting booth or kiosk whereby a voter may input information via only a first physical action. Harp, Jr. discloses three embodiments, each with a single input device, namely, electrical switches (col. 2, lines 60-63), paper punches (col. 2, lines 64-66), or the use of a marker or writing device (col. 2, line 66 to col. 3, line 1). Harp, Jr. does not teach that more than one of these input devices be

used in a single kiosk or voting booth. Moreover, each of the three input devices disclosed by Harp, Jr. require essentially the same physical action, a hand movement, to input information. Nowhere does Harp, Jr. disclose the use of multiple input devices using different physical actions within a single kiosk to permit individuals with different disabilities to input information using the same kiosk. Accordingly, applicant respectfully submits that claim 1 is allowable over Harp, Jr.

The Examiner also rejected claim 2 as anticipated by Harp, Jr. Claim 2 depends from claim 1. For the reasons stated above, Harp does not disclose the use of a second input device, and therefore does not anticipate claim 2. Accordingly, Applicant respectfully requests the allowance of claim 2.

The Examiner rejected claims 3-10 under 35 U.S.C. 103(a) as unpatentable over Harp, Jr. in view of McClure et al. Claim 3 depends from claim 1, which requires a "second input device" as described above. Claims 5-10 depend from claim 4. Applicant notes that claim 4 also requires "a second input device, wherein the voter inputs ballot selections via the second input device using a second physical action different from that the first physical action." As discussed with respect to claim 1, Harp, Jr. does not disclose the use of a second input device, as required for claim 3 and all of claims 4-10. Because Harp, Jr. does not disclose a second input device, and because McClure, et al. does not disclose or suggest the use of a second input device, Applicant respectfully submits that claims 3-10 are allowable over Harp, Jr. in view of McClure et al.

With respect to claims 3 and 9, Applicant respectfully notes that, as described above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device as

required by claims 3 and 9, either alone or in combination with a computer hard drive. Accordingly, Applicant respectfully requests the allowance of claims 3 and 9.

With regard to claim 4, Applicant respectfully notes that, as described above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device as required by claim 4, either alone or in combination with a computer that is operably connected to recording or output devices. Accordingly, Applicant respectfully requests the allowance of claim 4.

With regard to claim 5, Applicant respectfully notes that, as described above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device as required by claim 5, either alone or in combination with a touch sensitive screen. Accordingly, Applicant respectfully requests the allowance of claim 5.

With regard to claim 6, Applicant first notes that, as described above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device. Claim 6 depends indirectly from claim 4 and adds the additional claim element of a third output device wherein the voter perceives information from the third output device using a third sense. Applicant respectfully submits that, as discussed above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device, much less a first input device and a second input device in combination with a first, second, and third output device. Accordingly, Applicant respectfully requests the allowance of claim 6.

With regard to claim 7, Applicant first notes that, as described above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device. Claim 7 depends indirectly from claim 4 and adds the additional claim element of a third input device, wherein the voter inputs a ballot selection via the third input device using a third physical action, the third

physical action being different than the first physical action and the second physical action. As explained above, Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device, much less the use of a third input device. Accordingly, Applicant respectfully requests the allowance of claim 7.

With regard to claim 8, the Examiner objected to claim 8 under 37 C.F.R. 1.75 as being a substantial duplicate of claim 7. Applicant notes that claim 8 depends from claim 6, which requires a third output device. Claim 7, on the other hand, does not incorporate any requirement for a third output device. Accordingly, claim 8 requires the inclusion of both three output devices and three input devices, while claim 7 requires merely two output devices and three input devices. For this reason, applicant respectfully requests that examiner withdraw his objection under 37 C.F.R. 1.75. Applicant further notes, as described above, that Harp, Jr. and McClure et al. do not disclose or suggest the use of a second input device, much less the use of a third input device. Accordingly, Applicant respectfully requests the allowance of claim 8.

With regard to claim 10, Applicant respectfully notes that, as described above, Harp, Jr. and McClure et al. do not disclose the use of a second input device as required by claim 10, either alone or in combination with a printer. Accordingly, Applicant respectfully requests the allowance of claim 10.

The Examiner rejected claims 11-20 under 35 U.S.C. 103(a) as unpatentable over Harp, Jr. in view of McClure et al., in further view of Sarner et al., and in further view of Trotta et al. Applicant respectfully notes that claims 12-20 all depend, either directly or indirectly, from claim 11. Applicant further respectfully notes that claim 11 specifically requires both a first input device and a second input device, wherein the voter inputs ballot selections via the second input device using a physical action different from that used to input information via the first

input device. As explained above, Harp, Jr., does not disclose or suggest the use of a second input device. Applicant respectfully notes that Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of both a first and second input device to allow voters with a variety of disabilities to vote using a single voting apparatus. Applicant further respectfully notes that the Federal Circuit has recently explained that “[t]he factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record.” *In re Lee*, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002) (internal citations and quotations omitted). The Federal Circuit further cautioned that “conclusory statements...do not adequately address the issue of motivation to combine.” *Id.* at 1434. Applicant respectfully submits that the Examiner has not identified sufficient motivation to combine all four references (Harp, Jr., McClure et al., Sarner et al., and Trotta et al.) in rejecting claims 11-20. Accordingly, Applicant respectfully submits that claims 11-20 are allowable over Harp, Jr. in view of McClure et al., Sarner et al., and Trotta et al.

With regard to claim 11, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device as required by claim 11, either alone or in combination with the other elements of claim 11. Accordingly, Applicant respectfully requests the allowance of claim 11.

With regard to claim 12, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with a touch sensitive screen. Accordingly, Applicant respectfully requests the allowance of claim 12.

With regard to claim 13, Applicant first notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input

device, either alone or in combination with a computer hard drive. Applicant respectfully notes that claim 13 depends from claim 12 and adds the limitation “wherein the recording device comprises a computer hard drive.” Applicant respectfully notes that the Examiner’s remarks regarding claim 13 do not appear to address this recited claim limitation. Accordingly, Applicant respectfully requests the allowance of claim 13.

With respect to claim 14, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with a first compartment. Accordingly, Applicant respectfully requests the allowance of claim 14.

With regard to claim 15, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with a space where the first input device and the second input device may be positioned for use. Accordingly, Applicant respectfully requests the allowance of claim 15.

With regard to claim 16, Applicant first notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with an auxiliary input device. Applicant further respectfully notes that McClure et al. (col. 11, lines 60-62) does not teach the use of an auxiliary input device to receive ballot selection inputs from peripheral devices supplied by a voter. Accordingly, Applicant respectfully requests the allowance of claim 16.

With regard to claim 17, Applicant first notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with an adjustable position support arm. Applicant further

notes that the Examiner explained that FIG. 1, Item 44 of Harp, Jr. discloses the use of input and output devices on two adjustable position support arms connected to the voting apparatus. Applicant respectfully notes that FIG. 1 of Harp, Jr. does not include an Item 44, but instead shows input devices comprising electronic switches 16 within a field 14 positioned upon the central component of the voting machine 10. Sarner et al. does show in FIG. 1 a pair of items 44. However, the items 44 are the first segment 44 of larger arms 42. Arms 42 serve to lock open the upper shell member 32 and the lower shell member 34 (col. 3, lines 35-60). Sarner et al. does not suggest that the arms 42 be adjustably positionable. Accordingly, Applicant respectfully requests the allowance of claim 17.

With regard to claim 18, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, either alone or in combination with a telescoping curtain rod. Accordingly, Applicant respectfully requests the allowance of claim 18.

With regard to claim 19, which Applicant believes the Examiner was referring to in paragraph 24 of the Office Action, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, much less a third input device as required by claim 19. Accordingly, Applicant respectfully requests the allowance of claim 19.

With regard to claim 20, Applicant respectfully notes that, as described above, Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a second input device, much less the use of a third input device as required by claim 19. Claim 20 depends from claim 19 and further requires a third output device. Harp, Jr., McClure et al., Sarner et al., and Trotta et al. do not disclose or suggest the use of a first, second, and third input